

## **IV. MARRIAGE**

The following information is for the guidance of civilian American citizens contemplating marriage in France. U.S. military personnel should contact the Legal Officer of the Defense Attaché's Office at the American Embassy in Paris.

Although marriage statutes in the United States vary from state to state, a marriage performed in France under French law is generally recognized as valid throughout the U.S. American diplomatic and consular officers do not have legal authority to perform marriages. Because of the French legal requirement that civil marriages take place in a French "mairie," marriages **CANNOT** be performed within the Embassy or within an American consular office in France.

### **A. Civil and Religious Ceremony**

Civil Ceremony: To be legal, all marriages must be performed by a French civil authority, i. e., an "officier de l'état civil," BEFORE any religious ceremony takes place. In practice, this means the mayor ("maire") or his legally authorized replacement, such as a deputy mayor ("adjoint") or a city councilor ("conseiller municipal"), of the town in which one of the parties to be married has resided for at least forty (40) days immediately preceding the marriage. All Americans marrying in France must comply with this requirement.

Religious ceremony: A religious ceremony may be performed AFTER (never before) the civil ceremony. The minister, priest or rabbi performing the religious ceremony will require the certificate of civil marriage ("certificat de célébration civile") as proof that the civil ceremony has taken place.

### **B. Residence requirement and place of marriage**

At least one of the contracting parties must have resided in France for forty (40) days continuously prior to the marriage: The "mairie" (city hall) or town where the civil ceremony takes place is dictated by the place of residence. If both of the parties to marriage meet the residence requirement, but resided in different districts, the civil ceremony may take place in either district of residence. The 40-day residence requirement cannot be waived .

### **C. Publication of banns**

French law also requires the posting of marriage banns at the appropriate "mairie" no less than ten (10) days preceding the date of marriage. The first publication of the banns can be made only at the end of thirty (30) days of residence in France by one party to the marriage. Only in very exceptional cases can this requirement be waived by a French authority (the "Procureur de la République" for the district in which the marriage will take place). Each mairie may require that the complete marriage file be presented as much as 10 or more days prior to the publication of Banns. Please contact your mairie to find out exactly what the delay is.

#### **D. Marriage certificate**

Couples married in France automatically receive a "livret de famille". This is a booklet which serves as an official record of the marriage and subsequent events in the family such as births, deaths, divorce or name changes. In France, the "livret de famille" is an official document. It is also possible to obtain a marriage certificate ("extrait d'acte de mariage") by writing to the "mairie" where the marriage took place. You must indicate a) the date and place of the marriage and b) the full names (including wife's maiden name) of the two parties. If the certificate is to be mailed in France, the request should be accompanied by a self-addressed, stamped envelope. If the certificate is to be mailed to a U.S. address, with a self-addressed envelope with a Universal Postal Union coupon to cover international postage costs.

#### **E. Marriage formalities for France**

##### **Documentary requirements:**

It is very important that you first learn exactly, from the city hall, all the documentary requirements for marriage in their district, and whether they will accept affidavits available at the Embassy.

Most "mairies" in France require some or all of the following documents:

**-a valid U.S. passport, or a French residence permit ("carte de sejour");**

**-a birth certificate ("extrait d'acte de naissance") less than 3-month-old:**

Most city hall require that you present a certified copy of your birth certificate less than 3-month old along with a sworn translation. You must obtain the sworn translation from a sworn translator ("traducteur

asementé"). Sworn translators are listed in every "mairie". The Franco-American institute in Rennes also has one. The consulate does not provide translation services.

Some city halls may accept a notarized affidavit ("Attestation d'identité et de nationalité") executed before an American Consular Officer in France. Because the information on American birth certificated differs from that provided on French birth certificate, individuals born in the U.S must generally submit additional information about their marital status. The fee for this notarial is \$30.00 (or the equivalent in euros) per document; each additional seal provided at the same time in connection with the same transaction will cost \$20.

In order to obtain a certified copy of your U.S birth certificate, please refer to the following web-site [www.vitalcheck.com](http://www.vitalcheck.com)

**-An affidavit of marital status ("attestation tenant lieu de declaration en vue de mariage ou de non-remariage") less than 3-month-old:**

French city halls also usually require a certificate of Celibacy. It can be done in the form of a notarized affidavit ("Attestation tenant lieu de Certificat de Célibat ou de non-remariage") be executed before an American Consular officer in France. The fee for this notarial service (only open from 9:00 to 12:00 Monday thru Friday) is \$30.00(or the equivalent in euros) in cash per document. Each additional seal provided at the same time in connection with the same transaction will cost \$20 (or the equivalent in euros). Again, keep in mind that some city halls do not accept affidavits and have special requirements.

**-An Affidavit of law ("certificat de coutume") is sometimes required:**

Some "mairies" may request an Affidavit of Law and Customs ("Certificat de Coutume") in addition to the Affidavit of Marital Status. The Affidavit of Law is a statement about U.S. marriage laws, certifying that the American citizen is free to contract marriage in France and that the marriage will be recognized in the United States. Only an attorney licensed to practice in both France and the United States may execute this document. The Affidavit of Law is prepared on the basis of the attorney's examination of the individual's documentation (divorce decree, death certificate of spouse, etc.), and verification and citation of the applicable marriage laws of the United States.

**-A medical certificate ("certificat médical prénuptial") less than 3-month-old:**

Each party to marriage must obtain a pre-nuptial medical certificate ("certificat d'examen medical prénuptial") attesting that the individual was examined by a doctor "en vue de mariage." The marriage banns cannot be published until medical certificates have been submitted to the

"mairie." The certificates must be dated no earlier than two months before the publication of banns. Any qualified doctor can perform the medical examination (the Consulate publishes a list of English-speaking doctors). Individuals coming directly from the United States can be medically examined in the United States by a physician approved by the local French Consulate (usually, a list of such physicians is furnished by the Consulate). However, it should be noted that authorities in France require that the original certificate be in the French language, or that an official translation notarized by a French consul in the United States be submitted with the certificate in English. The two-month limitation of validity also applies in such a case.

**-proof of domicile (“justificatifs de domicile”):** You will need to bring 2 proofs of domicile in the city of marriage (i.e.: electricity or telephone bills, rent etc.)

**-certificat du notaire (if applicable):** In addition to the above, if the parties to marriage opt for a prenuptial contract governing their respective properties ("régime du mariage", the French notary preparing the contract will give the couple a certificate ("certificat du notaire") which must be presented to the "mairie" as well).

*The Consulate has got statements on Embassy letterhead, explaining that we do not provide the “Certificat de Coutume”. You may request this document during notarial hours.*